

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:15-CR-4-FL  
No. 4:17-CV-39-FL

TONYA MARIE BATTLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	ORDER
UNITED STATES OF AMERICA	)	
	)	
Respondent.	)	

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert T. Numbers, II, recommending that petitioner’s remaining claim asserted in her motion to vacate under 28 U.S.C. § 2255 (DE 51, 57) be denied, and the government’s motion to dismiss (DE 64) be granted. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, petitioner’s remaining claim is denied, and thus the entirety of the motion to vacate is DENIED, the government’s motion to dismiss is GRANTED, and this matter is DISMISSED for the reasons stated in the M&R and the court’s November 8, 2017, order. A certificate of appealability is DENIED, where the applicable standard has not been met. See 28 U.S.C. § 2253(c). The clerk of court is directed to close the case.

SO ORDERED, this the 6th day of February, 2018.

  
\_\_\_\_\_  
LOUISE W. FLANAGAN  
United States District Judge